



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

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**28 August 2009**

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.nasa.gov/offices/rrac/home/>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

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## Acronyms

ADEM = Alabama Department of Environmental Management  
ARC = Ames Research Center  
AVAQMD = Antelope Valley Air Quality Management District  
BMAP = Basin Management Action Plan  
BPA = Basin Plan Amendment  
CAA = Clean Air Act  
CCR = *California Code of Regulations*;  
CFR = *Code of Federal Regulations*  
CH<sub>4</sub> = Methane  
CO<sub>2</sub> = Carbon dioxide  
CRNR = California Regulatory Notice Register  
CWA = Clean Water Act  
E. coli = Escherichia coli  
EIS = Environmental Impact Statement  
EPA = U.S. Environmental Protection Agency  
EPCRA = Emergency Planning and Community Right-to-Know Act  
EU = European Union  
°F = Degrees Fahrenheit  
FAR = Federal Acquisition Regulation  
FAW = Florida Administrative Weekly  
FDA = Food and Drug Administration  
FDEP = Florida Department of Environmental Protection  
FR = *Federal Register*  
FY = Fiscal year  
GHG = Greenhouse gas  
GISO = General Industry Safety Orders  
GRC = Glenn Research Center  
GSA = General Services Administration  
HFC = Hydrofluorocarbon  
I/M = Inspection and maintenance  
IRL = Indian River Lagoon  
MOU = Memorandum of Understanding  
NAAQS = National Ambient Air Quality Standards

NASA = National Aeronautics and Space Administration  
NEPA = National Environmental Policy Act  
NESHAP = National Emission Standards for Hazardous Air Pollutants  
NO<sub>x</sub> = Nitrogen oxides  
NRCS = Natural Resources Conservation Service  
OEPA = Ohio Environmental Protection Agency  
OFEE = Office of the Federal Environmental Executive  
PBR = Permit-by-Rule  
PFC = Perfluorocarbon  
PHG = Public Health Goal  
ppm = Parts per million  
psi = Pounds per square inch  
RIN = Regulatory Identification Number  
RPMP = Real Property Master Plan  
RRAC PC = Principal Center for Regulatory Risk Analysis and Communication  
SBCAPCD = Santa Barbara County Air Pollution Control District  
SIP = State Implementation Plan  
SJRWMD = St. Johns River Water Management District  
SJVUAPCD = San Joaquin Valley Unified Air Pollution Control District  
SR = State Road  
TAC = Texas Administrative Code  
TMDL = Total maximum daily load  
TRI = Toxic release inventory  
TSCA = Toxic Substances Control Act  
U.S. = United States  
USDA = U.S. Department of Agriculture  
Va.R. = *Virginia Register*  
VAC = Virginia Administrative Code  
VOC = Volatile organic compound  
VPA = Virginia Pollution Abatement  
VPDES = Virginia Pollution Discharge Elimination System

## 1.0 U.S. Federal Regulatory Review

### 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-1	CAA Engines—Marine, Nonroad, Motor Vehicle	08/28/2009	<a href="#">74 FR 44441</a>	Proposed Rule	Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder [40 CFR Parts 80, 85, 86, 94, 1027, 1033, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, and 1068]  Proposes NOx emission standards for new marine diesel engines with per-cylinder displacement at or above 30 liters (called Category 3 marine diesel engines) installed on U.S. vessels. The near-term standards for newly built engines would apply beginning in 2011. Long-term standards would begin in 2016 and are based on the application of high-efficiency, after-treatment technology. Also proposes to forbid the production and sale of marine fuel oil above 1,000-ppm sulfur for use in certain areas. Also includes minor technical amendments to motor vehicle and nonroad engine regulations. Comments due 09/28/2009. [RIN 2060-AO38]	
FED08282009-2	CAA NESHAP—Startup, Shutdown, and Malfunction	08/26/2009	<a href="#">74 FR 43124</a>	Notice	National Emission Standards for Hazardous Air Pollutants; Announcement of EPA Letter Addressing Recent Court Decision  Announces the public availability of a letter issued by EPA. The letter addresses concerns raised regarding the impact of a court decision that vacated certain NESHAP provisions that exempt sources from otherwise applicable emission standards during periods of startup, shutdown, and malfunction. Further information, including the letter from EPA, is available on EPA's <a href="#">website</a> .	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-3	CAA Stack Gas Velocity Measurement	08/25/2009	<a href="#">74 FR 42819</a>	Proposed Rule	<p>Revisions to Test Method for Determining Stack Gas Velocity Taking Into Account Velocity Decay Near the Stack Walls [40 CFR Part 60]</p> <p>Proposes to revise the voluntary test method for determining stack gas velocity. Revised method would address flow measurement locations with both circular and rectangular cross-sections, and would take into account the velocity decay near the stack or duct walls. When the method originally was developed, it addressed only sources where the flow measurements were made in locations with circular cross-sections. Proposed revisions also include changes that increase the accuracy of the method and simplify its application. Comments due 10/26/2009. [RIN 2060-AP08]</p>	
FED08282009-4	Contracting Federal Contractor Reporting	08/25/2009	<a href="#">74 FR 42877</a>	Notice	<p>U.S. Department of Defense, General Services Administration, and NASA</p> <p>Federal Acquisition Regulation; FAR Case 2009-009, American Recovery and Reinvestment Act of 2009 (the Recovery Act)--Reporting Requirements</p> <p>Notice that federal contractors required to report on their use of Recovery Act funds may now <a href="#">register online</a>. To comply with the reporting requirements, contractors must first register. Effective 08/25/2009.</p>	
FED08282009-5	Drinking Water Perchlorate	08/19/2009	<a href="#">74 FR 41883</a>	Notice	<p>Drinking Water: Perchlorate Supplemental Request for Comments</p> <p>Seeks comments on additional approaches to analyzing data related to EPA's perchlorate regulatory determination (see <a href="#">73 FR 60262</a>, 10/10/2008). Additional comments are sought in an effort to ensure consideration of all the potential options for evaluating whether there is a meaningful opportunity for human health risk reduction for perchlorate through a national primary drinking water rule. Comments due 09/18/2009. [RIN 2040-AF08]</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-6	Emergency Planning Biological Threats	08/17/2009	<a href="#">74 FR 41431</a>	Notice	<p>White House Office of Science and Technology Policy, Department of Homeland Security, and EPA</p> <p>Availability of Draft "Planning Guidance for Recovery Following Biological Incidents"</p> <p>Notice of availability of a draft guidance document entitled "<a href="#">Planning Guidance for Recovery Following Biological Incidents</a>" for federal, state, local, and tribal decision makers responsible for planning and responding to a biological incident. Describes a general risk management framework for planning and executing activities required for response and recovery from a biological incident in a domestic, civilian setting. Objective is to provide uniform federal guidance to protect the public, emergency responders, and surrounding environments and to ensure that local and federal first responders can prepare for an incident involving biological contamination. Comments due 11/16/2009.</p>	
FED08282009-7	Energy Hydrogen Storage	08/26/2009	<a href="#">74 FR 43114</a>	Notice	<p>Office of Energy Efficiency and Renewable Energy, Department of Energy</p> <p>Initial H-Prize Competition for Breakthrough Advances in Materials for Hydrogen Storage</p> <p>Announces the Initial <a href="#">H-Prize Competition</a> that will be a single award for \$1 million in the subject area of advanced materials for hydrogen storage. The initial H-Prize is to be awarded for demonstrated advancements in developing an on-board hydrogen storage material for light-duty vehicles that meet or exceed a specified set of verifiable performance targets. Deadline for registration is 02/15/2010. Prize to be awarded in February 2011.</p>	
FED08282009-8	Environmental Policy Making Scientific Assessments	08/27/2009	<a href="#">74 FR 43696</a>	Notice	<p>Science Advisory Board Staff Office; Notification of an Upcoming Teleconference of the Science Advisory Board Committee on Science Integration for Decision Making</p> <p>Announces a <a href="#">public teleconference</a> of the EPA Science Advisory Board. Purpose of the meeting is to complete the work plan for an evaluative <a href="#">study of EPA scientific assessment practices for decision making</a>. Teleconference to be held 09/16/2009.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-9	Environmental Technologies	08/17/2009	<a href="#">74 FR 41370</a>	Notice	<p>International Trade Administration, Department of Commerce</p> <p>Department of Commerce: Environmental Industry Innovation Event</p> <p>Notice of a meeting for U.S. government officials and industry participants that will feature examples of new environmental products and services. The purpose of the event is to highlight creativity and innovation in environmental technologies, discuss their importance to the sector, and identify potential policy interactions. The event is called "The New Environmental Industry--New Entrants and Innovation Broaden the Business of Environmental Protection." Event to be held 09/29/2009 in Washington, D.C.</p>	
FED08282009-10	EPCRA TRI	08/24/2009	<a href="#">74 FR 42625</a>	Proposed Rule	<p>Toxics Release Inventory Articles Exemption Clarification Proposed Rule [40 CFR Part 372]</p> <p>Proposes two actions relating to the articles exemption TRI program. One action would formally remove a paragraph of guidance dealing with releases due to natural weathering of products that appeared in the Reporting Forms and Instructions from 1988 to 2001. This guidance was absent after 2001, but formal notice of its removal was never issued. Also proposes an interpretation of how the articles exemption applies to the Wood Treating Industry. Comments due 10/23/2009. [RIN 2025-AA24]</p>	
FED08282009-11	Fuels Renewable Fuels	08/17/2009	<a href="#">74 FR 41359</a>	Notice	<p>Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program; Notice of Availability of Expert Peer Review Record [40 CFR Part 80]</p> <p>Announces availability of results of an expert peer review completed on the Renewable Fuel Standard Program Lifecycle Greenhouse Gas Analysis. As part of proposed revisions (<a href="#">74 FR 24903</a>, 05/26/2009) to the <a href="#">National Renewable Fuel Standard program</a>, EPA examined the GHG impacts associated with different types of renewable fuels. Several new pieces of analysis were developed to support this lifecycle assessment. EPA initiated an independent peer review to help respond to stakeholder concerns and to ensure that decisions are made based on the best science available. The <a href="#">results of the peer review</a> are now available. Comments due 09/25/2009. [RIN 2060-A081]</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-12	GSA Domestic Per Diem Rates	08/25/2009	<a href="#">74 FR 42989</a>	Notice	Office of Governmentwide Policy, General Services Administration  Maximum Per Diem Rates for the Continental United States  Notice of availability of Per Diem Bulletin 10-01, updates the maximum <a href="#">per diem amounts</a> in existing per diem localities in the Continental U.S.	
FED08282009-13	Hazardous Materials Transportation International Standards	08/26/2009	<a href="#">74 FR 43215</a>	Notice	Pipeline and Hazardous Materials Safety Administration  International Standards on the Transport of Dangerous Goods; Public Meeting  Notice of a public meeting to discuss draft U.S. positions on the proposals that will be considered during the 22nd Meeting of the International Civil Aviation Organization's Dangerous Goods Panel. Meeting to be held 09/29/2009 in Washington, D.C. Conference call and live-meeting capabilities will be provided for the meeting.	
FED08282009-14	Hazardous Materials Transportation Lithium Batteries	08/25/2009	<a href="#">74 FR 42952</a>	Notice of Approval	Pipeline and Hazardous Materials Safety Administration  Notice of Approval: Lithium Battery Shipping Descriptions  Authorizes use of alternative lithium battery shipping descriptions that are consistent with international regulations. Effective 08/25/2009.	
FED08282009-15	Hazardous Substances Acute Exposure Guideline Levels	08/19/2009	<a href="#">74 FR 41896</a>	Notice	Proposed Acute Exposure Guideline Levels for Hazardous Substances; Notice of Availability  Provides a list of 19 proposed <a href="#">Acute Exposure Guideline Levels</a> that are available for public review and comment. Listed substances include the following: <ul style="list-style-type: none"> <li>▪ 1,2-Butylene oxide</li> <li>▪ Bromoacetone</li> <li>▪ Cyanogen</li> <li>▪ Ethylbenzene</li> <li>▪ Ethylisocyanate</li> <li>▪ Ethylphosphorodichloridate</li> <li>▪ Germane</li> <li>▪ Malathion</li> <li>▪ Methylisothiocyanate</li> <li>▪ Methylparathion</li> <li>▪ n-Butyl isocyanate</li> <li>▪ Nitrogen tetroxide</li> <li>▪ Parathion</li> <li>▪ Phenyl isocyanate</li> <li>▪ Phorate</li> <li>▪ t-Octyl mercaptan</li> <li>▪ Tear gas</li> <li>▪ Trimethylacetyl chloride</li> </ul> Comments due 09/18/2009.	



RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-16	<div>Hazardous Substances</div> <div>Acute Exposure Guideline Levels</div>	08/19/2009	<a href="#">74 FR 41893</a>	Notice	<div>National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting</div> <div>Announces a meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances. At this meeting, the Committee will address the various aspects of the acute toxicity and the development of <a href="#">Acute Exposure Guideline Levels</a> for the following chemicals:</div> <div><div><div>▪ Cadmium</div><div>▪ Carbofuran</div><div>▪ Carbon dioxide</div><div>▪ Dichlorovos</div><div>▪ Dicrotophos</div><div>▪ Dimethyl phosphate</div><div>▪ Fenamiphos</div><div>▪ Gasoline</div><div>▪ Hydrogen selenide</div><div>▪ Lead</div><div>▪ Methamidophos</div></div><div><div>▪ Methyl iodide</div><div>▪ Mevinphos</div><div>▪ Monocrotophos</div><div>▪ Nerve agent GB</div><div>▪ Phosgene</div><div>▪ Phosphamidon</div><div>▪ Red phosphorus</div><div>▪ Ricin</div><div>▪ Tetrachloro-ethylene</div><div>▪ 1,1,1-trichloro-ethylene</div><div>▪ Trimethyl-phosphite</div></div></div> <div>Meeting to be held 09/09/2009 through 09/11/2009 in Research Triangle Park, North Carolina.</div>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-17	Natural Resources Conservation	08/28/2009	<a href="#">74 FR 44347</a>	Notice	<p>Natural Resources Conservation Service</p> <p>Notice of Proposed Changes to the National Handbook of Conservation Practices for the Natural Resources Conservation Service</p> <p>Notice of intent to issue a series of revised conservation practice standards in the <a href="#">National Handbook of Conservation Practices</a>. These standards include the following:</p> <ul style="list-style-type: none"> <li>▪ Aquaculture Ponds (Code 397)</li> <li>▪ Contour Orchard and Other Perennial Crops (Code 331)</li> <li>▪ Forage and Biomass Planting (Code 512)</li> <li>▪ Forest Trails and Landings (Code 655)</li> <li>▪ Heavy Use Area Protection (Code 561)</li> <li>▪ Herbaceous Wind Barriers (Code 603)</li> <li>▪ Integrated Pest Management (Code 595)</li> <li>▪ Obstruction Removal (Code 500)</li> <li>▪ Pumping Plant (Code 533)</li> <li>▪ Sediment Basin (Code 350)</li> <li>▪ Spoil Spreading (Code 572)</li> <li>▪ Trail and Walkways (Code 568)</li> <li>▪ Vegetative Barrier (Code 601).</li> </ul> <p>The standards are used by NRCS state offices to develop state conservation practice standards. These practices may be used in conservation systems that treat highly erodible land or on land determined to be a wetland. Comments due 09/28/2009.</p>	
FED08282009-18	NEPA EIS–Camp Parks	08/21/2009	<a href="#">74 FR 42289</a>	Notice	<p>Department of the Army</p> <p>Final Environmental Impact Statement in Support of the Real Property Master Plan and Real Property Exchange for Camp Parks, Dublin, California</p> <p>Notice that U.S. Army Garrison, Camp Parks, with cooperation from NASA, has prepared a Final EIS to evaluate alternatives for future development as part of a Real Property Master Plan at Camp Parks. Alternatives evaluated in the Final EIS include changes to land use for construction and training, and a Real Property Exchange between Camp Parks and a developer in the surrounding community. The RPMP presents a land-use redevelopment plan for the Camp Parks cantonment area, with approximately 180 acres being transferred out of federal ownership (approximately 171.5 acres are controlled by the U.S. Army and 8.5 acres are controlled by NASA). Comments due 09/27/2009.</p>	<a href="#">NASA ARC</a> should be aware of this action.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-19	Radioactive Materials Medical Use of Byproduct Material	08/27/2009	<a href="#">74 FR 43619</a>	Direct Final Rule	Nuclear Regulatory Commission Medical Use of Byproduct Material-- Authorized User Clarification, Confirmation of Effective Date [10 CFR Part 35]  Confirms the effective date of the direct final rule regarding, and experience and training requirements for, the medical use of byproduct material ( <a href="#">74 FR 33901</a> , 07/14/2009). Effective 09/28/2009. [RIN 3150-A159]	
FED08282009-20	Railroads Bridges	08/17/2009	<a href="#">74 FR 41557</a>	Proposed Rule	Federal Railroad Administration Bridge Safety Standards [49 CFR Parts 213 and 237]  Proposes to standardize and establish federal requirements for railroad bridges. Would require track owners to implement bridge management programs that include annual inspections of railroad bridges. Would also require track owners to know the safe capacity load of bridges and to conduct special inspections if the weather or other conditions warrant. Would require audits of the bridge management programs and inspections. Comments due 10/01/2009. Request for hearing due 09/16/2009. [RIN 2130-AC04]	
FED08282009-21	Railroads Continuous Welded Rail	08/25/2009	<a href="#">74 FR 42987</a>	Final Rule	Federal Railroad Administration Track Safety Standards; Continuous Welded Rail [49 CFR Part 213]  Amends the Federal Track Safety Standards regarding continuous welded rail. Promulgates specific requirements for the qualification of persons designated to inspect continuous welded rail track, or supervise its installation, adjustment, or maintenance. Also clarifies the procedures associated with the submission of continuous welded rail plans, and makes other changes to the requirements. Effective 08/25/2009. Compliance date 10/09/2009, 11/23/2009, or 02/22/2010, depending on the Class designation of the railroad. [RIN 2130-AB90]	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-22	Risk Analysis Probabilistic Methods	08/18/2009	<a href="#">74 FR 41695</a>	Notice	<p>Availability of the External Peer Review Draft of Using Probabilistic Methods To Enhance the Role of Risk Analysis in Decision-Making With Case Study Examples</p> <p>Announces a public comment period for the external peer review draft of "<a href="#">Using Probabilistic Methods to Enhance the Role of Risk Analysis in Decision-Making With Case Study Examples</a>," a <a href="#">white paper</a>, and the "<a href="#">Manager's Summary</a>" of the same document. Documents were developed to provide a general overview of the value of probabilistic analyses and similar or related methods, and some examples of current applications across EPA. Purpose of these papers is to describe potential and actual uses of these tools in the risk decision process and to encourage their further implementation in human, ecological, and environmental risk analysis and related decision making. Comments due 09/01/2009.</p>	
FED08282009-23	Ships Ballast Water	08/28/2009	<a href="#">74 FR 44631</a>	Proposed Rule	<p>U.S. Coast Guard</p> <p>Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters [33 CFR Part 151, 46 CFR Part 162]</p> <p>Proposes to establish standards for the allowable concentration of living organisms in ships' ballast water discharged in U.S. waters. Also proposes to amend regulations for approving engineering equipment by establishing an approval process for ballast water management systems. Comments due 11/27/2009. [RIN 1625-AA32]</p>	
FED08282009-24	Species Aquatic Animal Health	08/21/2009	<a href="#">74 FR 42225</a>	Notice	<p>Animal and Plant Health Inspection Service, National Marine Fisheries Service, Fish and Wildlife Service</p> <p>National Aquatic Animal Health Plan for the United States; Notice of Availability</p> <p>Announces availability of and seeks comments on a <a href="#">National Aquatic Animal Health Plan</a> for the U.S. The plan will provide a framework for development of programs for diseases that affect the health of aquatic animals such as finfish, crustaceans, and mollusks. Comments due 10/20/2009.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-25	Species Endangered Species	08/18/2009	<a href="#">74 FR 41649</a>	Notice	<p>Endangered and Threatened Wildlife and Plants; Partial 90-Day Finding on a Petition To List 206 Species in the Midwest and Western United States as Threatened or Endangered with Critical Habitat [50 CFR Part 17]</p> <p>Announces a 90-day finding on 38 species from a petition to list 206 species in the mountain-prairie region of the U.S. as threatened or endangered. For 29 of the 38 species, finds that the petition does present substantial scientific or commercial information indicating that listing may be warranted. Initiates a status review of the 29 species, and solicits scientific and commercial information. For 9 of the 38 species, finds that the petition did not present substantial information indicating that listing may be warranted. Comments due 10/19/2009.</p> <p><b>Includes species in CO, UT, MS, OH, and NM.</b></p>	
FED08282009-26	Species Endangered Species: Sonoran Desert Tortoise	08/28/2009	<a href="#">74 FR 44335</a>	Notice	<p>U.S. Fish and Wildlife Service</p> <p>Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Sonoran Population of Desert Tortoise (<i>Gopherus agassizii</i>) as a Distinct Population Segment With Critical Habitat [50 CFR Part 17]</p> <p>Announces a 90-day finding on a petition to list the Sonoran desert tortoise as a distinct population segment under the Endangered Species Act and to designate critical habitat. Announces finding that listing may be warranted, and initiates a status review. Comments due 10/27/2009.</p> <p><b>Could affect areas of CA and UT.</b></p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED08282009-27	Toxicology Research	08/27/2009	<a href="#">74 FR 43706</a>	Notice	<p>U.S. Food and Drug Administration Memorandum of Understanding Between the Food and Drug Administration, National Center for Toxicological Research, and the Air Force Research Laboratory, 711 Human Performance Wing, Human Effectiveness Directorate, Biosciences and Protection Division, for Toxicity of Nanomaterials</p> <p>Notice of an MOU that sets forth the agreement to facilitate information sharing in the area of toxicogenomic and computational toxicology research. The goal is to identify and expedite research and development of new tools and technologies that can be implemented that promote new understanding of the mechanisms of biological responses to environmental stressors, including toxic injury, and to identify biomarkers of exposure and disease that can be used to improve and protect human health. Effective 07/28/2009.</p>	
FED08282009-28	Toxic Substances Ethyl Tertiary Butyl Ether	08/20/2009	<a href="#">74 FR 42069</a>	Notice	<p>Draft Toxicological Review of Ethyl Tertiary Butyl Ether: In Support of the Summary Information in the Integrated Risk Information System</p> <p>Announces a public comment period for the external review draft document titled, "<a href="#">Toxicological Review of Ethyl Tertiary Butyl Ether: In Support of Summary Information on the Integrated Risk Information System (IRIS)</a>." Comments due 10/19/2009.</p>	
FED08282009-29	TSCA Significant New Use Rules--Nanotubes	08/21/2009	<a href="#">74 FR 42177</a>	Final Rule Withdrawal	<p>Certain Chemical Substances; Withdrawal of Significant New Use Rules [40 CFR Part 721]</p> <p>Withdraws significant new use rules for multi-walled carbon nanotubes and single-walled carbon nanotubes (<a href="#">74 FR 29982</a>, 06/24/2009). These rules were issued as direct final rules and are being withdrawn because EPA received a notice of intent to submit adverse comments on these rules. EPA intends to publish proposed significant new use rules for these substances. Effective 08/21/2009. [RIN 2070-AB27]</p>	

## 1.2 Other News and Developments

### 1.2.1 EPA Launches Chesapeake Bay TMDL Web Site

EPA's mid-Atlantic region recently announced the launch of a web site dedicated to the [Chesapeake Bay Total Maximum Daily Load \(TMDL\)](#)—a major initiative to protect and restore the Chesapeake Bay and local waters. The web site allows the public to stay tuned to key developments, draft work products, and schedules of public meetings and events and to ask questions about the process.

The TMDL will define the needed reductions in the nutrients nitrogen and phosphorus, as well as sediments that are harming the Bay and local waters. The Bay TMDL will be backed by state-devised implementation plans and a series of measures to ensure accountability in meeting cleanup commitments.

A final draft TMDL and accompanying draft implementation plans are scheduled to be prepared by June 2010. The TMDL and the plans will be offered for public comment during the summer of 2010. An initial round of public meetings will be held in 2009.

### **1.3 Regulatory Communication Working Group Updates**

Regulatory Communication Working Group Calls in 2009 will be held on the following Wednesdays at 12 p.m. CT:

- 2 September
- 16 September
- 7 October
- 21 October
- 4 November
- 18 November
- 2 December

## 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

### 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL08282009-1	Water Quality	08/23/2009	<a href="#">Public Notice 210</a>	Notice Hearing	<p>335-ADEM 6-Water Quality Program 10-Water Quality Criteria 335-ADEM 6-Water Quality Program 11-Water Use Classification</p> <p>Announces a hearing to discuss proposals to amend Rule 335-6-10-.09 to change the bacterial indicator organisms and associated criteria for non-coastal waters from fecal coliform to E. coli to be consistent with EPA recommendations for protection against water-borne illnesses. Also will discuss proposals to upgrade select use classifications in Rule 335-6-11-.02. A list of specific changes can be found in the <a href="#">Division 6</a> document. The <a href="#">public hearing</a> will be held 10/14/2009 at ADEM, Montgomery, Alabama.</p>	

### 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA08282009-1	Air	08/21/2009	<a href="#">CRNR 2009, 34z, p. 1348</a>	Notice	<p><a href="#">Air Resources Board</a></p> <p>Diesel Particulate Matter Control Measures [13 CCR 2020(b)]</p> <p>Administrative revision to reflect renumbering of reference; no regulatory effect.</p>	
CA08282009-2	Air SIP-AVAQMD	08/28/2009	<a href="#">74 FR 44294</a>	Direct Final Rule	<p><a href="#">U.S. Environmental Protection Agency</a></p> <p>Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [40 CFR Part 52]</p> <p>Approves revisions to the AVAQMD portion of the California SIP. Approves a local rule that regulates VOC emissions from leaking components at facilities such as oil refineries and chemical manufacturing plants; approves an AVAQMD Negative Declaration; removes rules from the SIP. Effective 10/27/2009 unless adverse comments received by 09/28/2009.</p>	



Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA08282009-3	Air SIP-Motor Vehicles	08/19/2009	<a href="#">74 FR 41818</a>	Proposed Rule	<p><a href="#">U.S. Environmental Protection Agency</a></p> <p>Approval and Promulgation of Air Quality Implementation Plans; California; Motor Vehicle Inspection and Maintenance Program [40 CFR Part 52]</p> <p>Proposes to approve SIP revisions submitted by California on 06/05/2009 relating to the basic and enhanced vehicle I/M program. Also proposes to find, with two exceptions, that California's program meets the requirements of the CAA and EPA regulations for basic and enhanced I/M programs. Proposes contingency upon California's submittal of revisions to the enhanced program performance standard evaluations. If the necessary information is not provided, then proposes approval of all of the submittal, except for the enhanced I/M performance standard evaluations. Comments due 09/18/2009.</p>	
CA08282009-4	Air SIP-Ozone Reclassifications	08/27/2009	<a href="#">74 FR 43654</a>	Proposed Rule	<p><a href="#">U.S. Environmental Protection Agency</a></p> <p>Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley, South Coast Air Basin, Coachella Valley, and Sacramento Metro Ozone Nonattainment Areas; Reclassification [40 CFR Part 81]</p> <p>Proposes to reclassify the following four areas designated as nonattainment for the 1997 8-hour ozone national ambient air quality standard:</p> <ul style="list-style-type: none"> <li>▪ The San Joaquin Valley area from "serious" to "extreme"</li> <li>▪ The South Coast Air Basin area from "severe-17" to "extreme"</li> <li>▪ The Coachella Valley and Sacramento Metro areas from "serious" to "severe-15"</li> </ul> <p>Comments due 09/28/2009.</p>	
CA08282009-5	Air SIP-SJVUAPCD	08/19/2009	<a href="#">74 FR 41826</a>	Proposed Rule	<p><a href="#">U.S. Environmental Protection Agency</a></p> <p>Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [40 CFR Part 52]</p> <p>Proposes a limited approval and limited disapproval of certain revisions to the SJVUAPCD portion of the California SIP. These revisions concern a local fee rule that applies to major sources of VOC and NO<sub>x</sub> emissions within the San Joaquin Valley ozone nonattainment area. Comments due 09/18/2009.</p>	
CA08282009-6	Air SIP-SJVUAPCD	08/19/2009	<a href="#">74 FR 41829</a>	Proposed Rule Withdrawal	<p><a href="#">U.S. Environmental Protection Agency</a></p> <p>Withdrawal of Proposed Rule Revising the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [40 CFR Part 52]</p> <p>Withdraws a rule proposing limited approval and limited disapproval of revisions to the SJVUAPCD portion of the California SIP published on 07/14/2009 (<a href="#">74 FR 33950</a>).</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA08282009-7	Air SIP-SJVUAPCD, SBCAPCD	08/28/2009	<a href="#">74 FR 44291</a>	Direct Final Rule	<a href="#">U.S. Environmental Protection Agency</a> Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Santa Barbara County Air Pollution Control District [40 CFR Part 52]  Approves revisions to the SJVUAPCD and SBCAPCD portions of the California SIP. Approves local rules that address changes for clarity and consistency. Effective 10/27/2009 unless adverse comments received by 09/28/2009.	
CA08282009-8	Drinking Water 1,2,3- Trichloropropane	08/21/2009	<a href="#">CRNR 2009, 34z, p. 1343</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> 1,2,3-Trichloropropane PHG in Drinking Water  Announces the availability of the <a href="#">final technical support document</a> for the PHG for 1,2,3-trichloropropane in drinking water. Further information is available on the OEHA <a href="#">website</a> .	
CA08282009-9	Drinking Water Hexavalent Chromium	08/21/2009	<a href="#">CRNR 2009, 34z, p. 1343</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> Draft Technical Support Document on Proposed Public Health Goal for Hexavalent Chromium  Announces the availability of the <a href="#">draft technical support document</a> for the proposed PHG for hexavalent chromium in drinking water. Public workshop on 10/19/2009 and comments due 10/19/2009. Further information is available on the OEHA <a href="#">website</a> .	
CA08282009-10	Occupational Safety Heat Illness Prevention	08/28/2009	<a href="#">CRNR 2009, 35z, p. 1358</a>	Notice Meeting	<a href="#">Occupational Safety and Health Standards Board</a> General Industry Safety Orders (GISO)–Heat Illness Prevention [8 CCR 3395]  Proposes requiring ongoing provision of shade at temperatures above 85° F in outdoor places of employment. Proposes additional precautionary measures to prevent heat illness be taken when the temperature of outdoor places of employment is at or above 95°F. Public meeting and hearing 10/15/2009 in Oakland, California.	
CA08282009-11	Occupational Safety Pesticides	08/28/2009	<a href="#">CRNR 2009, 35z, p. 1476</a>	Final Rule	<a href="#">Department of Pesticide Regulation</a> Notification and Application–Specific Information [3 CCR 6618-9, 6761.1, 6770-1]  Updates worker safety regulations by clarifying notification requirements before and after pesticide application, the responsibility for providing such notification, the requirement for making application specific information available to fieldworkers, and limitations upon re-entry after pesticide application. Effective 09/12/2009.	
CA08282009-12	Proposition 65	08/28/2009	<a href="#">CRNR 2009, 35z, p. 1472</a>	Notice	<a href="#">Office of Environmental Health Hazard Assessment</a> Warnings for Exposures to Listed Chemicals in Foods  Announces a workshop to discuss possible <a href="#">amendments</a> , including provisions that would determine the level of responsibility between food retailers and manufacturers for the provision of warnings for food products exposure. Public workshop on 09/25/2009. Comments due 10/19/2009. Further information is available on the OEHA <a href="#">website</a> .	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA08282009-13	Species Ashy Storm-Petrel	08/19/2009	<a href="#">74 FR 41832</a>	Notice	<a href="#">U.S. Fish and Wildlife Service</a> Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the Ashy Storm-Petrel as Threatened or Endangered [50 CFR 17] Announces a finding that there are insufficient grounds to list the ashy storm-petrel as threatened or endangered.	

## 2.3 Colorado State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA-related operations in Colorado.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CO08282009-1	Air Quality	08/24/2009	<a href="#">74 FR 42619</a>	Proposed Rule	U.S. Environmental Protection Agency Regulation of Fuels and Fuel Additives: Federal Volatility Control Program in the Denver-Boulder-Greeley-Ft. Collins-Loveland, CO 1997 8-Hour Ozone Nonattainment Area; [40 CFR Part 80] Proposes to establish an applicable standard under the federal volatility control program of 7.8 psi Reid vapor pressure during the high season—06/01 through 09/15 of each year—beginning in 2010. Comments due 09/23/2009. [RIN 2060-AP40]	<a href="#">NASA-related operations in Colorado</a> should be aware of the proposed changes.

## 2.4 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL08282009-1	Water SJRWMD	08/21/2009	<a href="#">FAW Notice #7506653</a>	Notice Meeting	Chapter 40C—SJRWMD Announces a public meeting to discuss regulatory and non-regulatory matters, scheduled for 08/11/2009 in Palatka, Florida.	
FL08282009-2	Water SJRWMD	08/28/2009	<a href="#">FAW Notice #7540991</a>	Notice Meeting	Chapter 40C—SJRWMD Announces a Water Supply Impact Study Technical Symposium to exchange technical information among SJRWMD staff and non-staff experts involved in the SJRWMD study of the impact of potential future water withdrawals from the St. Johns and Ocklawaha rivers. The symposium will be held 09/23 and 09/24/2009 in Gainesville, Florida. Comments due 09/23/2009 and 09/24/2009.	
FL08282009-3	Water SJRWMD— Millage Rate and Budget	08/21/2009	<a href="#">FAW Notice #7506750</a>	Notice Meeting	Chapter 40C—SJRWMD Announces a meeting to present the FY 2009-2010 tentative millage rate and tentative budget and to receive public comments, scheduled for 09/08/2009 at SJRWMD Headquarters, Palatka, Florida.	
FL08282009-4	Water SJRWMD— Millage Rate and Budget	08/21/2009	<a href="#">FAW Notice #7506847</a>	Notice Meeting	Chapter 40C—SJRWMD Announces a meeting to present the FY 2009-2010 final millage rate and final budget and to receive public comments, scheduled for 09/22/2009 at SJRWMD Headquarters, Palatka, Florida.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL08282009-5	Water TMDLs	08/28/2009	<a href="#">FAW Notice #7563689</a>	Notice Meeting	Chapter 62–FDEP Announces a technical meeting for the North Indian River Lagoon (IRL) Basin Management Action Plan (BMAP) to discuss implementation of TMDLs in the North IRL basin and its tributaries. The primary topics for discussion are an overview of the TMDL in the North Basin and associated technical issues related to BMAP development. The meeting will be held on 09/11/2009 in Cocoa, Florida.	

## 2.5 Louisiana State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Louisiana.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA08282009-1	CWA TMDLs	08/20/2009	<a href="#">74 FR 42068</a>	Notice	U.S. Environmental Protection Agency Clean Water Act Section 303(d): Availability of 12 Total Maximum Daily Loads (TMDLs) in Louisiana Announces the availability for comment of the administrative record files for 12 TMDLs and associated calculations prepared by EPA Region 6 for waters listed in the Atchafalaya River and the Mississippi River Basins of Louisiana, under Section 303(d) of the CWA. These TMDLs were completed in response to a court order [Sierra Club, et al. v. Clifford, et al., No. 96-0527, (E.D. La.)]. Comments due 09/21/2009.	
LA08282009-2	Drawbridge Operation	08/20/2009	<a href="#">74 FR 42037</a>	Proposed Rule Withdrawal	Department of Homeland Security Drawbridge Operation Regulation; Gulf Intercoastal Waterway (Algiers Alternate Route), Belle Chase, LA [33 CFR Part 117] Withdraws the Coast Guard's notice of proposed rulemaking concerning the operation of the SR 23 bridge across the Gulf Intracoastal Waterway (Algiers Alternate Route), mile 3.8, at Belle Chasse, Plaquemines Parish, Louisiana. The notice [ <a href="#">74 FR 13161</a> , 03/26/2009] proposed to allow the bridge to remain closed to navigation for an additional 90 minutes during weekday afternoons to facilitate the movement of vehicular traffic. Effective 08/20/2009. [RIN 1625-AA09]	

## 2.6 Maryland State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Maryland.

## 2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

## 2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH08282009-1	Air NAAQS-Lead	08/19/2009	<a href="#">Public Notice</a>	Notice	Division of Air Pollution Control, OEPA Ohio's Attainment Areas for the Lead NAAQS Solicits comments regarding the extent of Ohio's nonattainment areas for the revised federal NAAQS for lead [73 FR 66963, 11/12/2008]. The comments received will be used to formulate Ohio's formal recommendation proposal to EPA. The preliminary recommendations are for partial nonattainment areas to be established in Cuyahoga, Fulton and Logan counties. Further details regarding the draft recommendations, including the <a href="#">draft lead designation recommendation document</a> and <a href="#">public hearing notice</a> , are available on the OEPA <a href="#">website</a> . Public hearing is scheduled for 09/23/2009 at the Ohio EPA Lazarus Government Center, Columbus, Ohio. Comments due 09/24/2009.	<a href="#">GRC</a> should be aware of the nonattainment designations.
OH08282009-2	Waste Environmental Covenant	08/21/2009	<a href="#">Public Notice</a>	Final Action	Division of Emergency and Remedial Response, OEPA Glenn Research Center Environmental Covenant Provides notice that OEPA's Director signed an environmental covenant for a 35-acre property located at NASA GRC. The Director selected a remedy for the property in 01/2003. A component of the remedy is a deed restriction that limits the use of the property to industrial activities and restricts excavation within landfill limits. The environmental covenant contains the activity and use limitations and will be recorded in the Cuyahoga County Recorder's Office. Further details regarding the environmental covenant are available in the <a href="#">public notice</a> .	<a href="#">GRC</a> should be aware of this action.

### 2.9.1 OEPA Website has New Look and New Address

The OEPA website has a new appearance and new address beginning 28 August 2009. The new address is [www.epa.ohio.gov](http://www.epa.ohio.gov). The old address, [www.epa.state.oh.us](http://www.epa.state.oh.us), will remain active for several months to give users time to learn about the change and create new bookmarks.

To help users find the information they are looking for, each division and office has created a website redesign page. These pages include information about their new design and note locations of commonly requested information. The new website also includes an [overall website redesign page](#), which summarizes the changes to the entire OEPA website.

## 2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX08282009-1	Air Permits By Rule	08/28/2009	<a href="#">34 TexReg 5953</a>	Adopted Rule	<p>Texas Commission on Environmental Quality Permits By Rule [30 TAC 106]</p> <p>Repeals the following nine PBRs that are no longer necessary, because the types of facilities currently are listed as "<a href="#">De Minimis Facilities or Sources</a>:"</p> <ul style="list-style-type: none"> <li>▪ Domestic and Comfort Heating and Cooling, (30 TAC 106.101 and 106.103)</li> <li>▪ Hydraulic and Hydrostatic Testing Equipment (30 TAC 106.121)</li> <li>▪ Vacuum-producing Devices for Laboratory Use (30 TAC 106.123)</li> <li>▪ Platen Presses for Laminating (30 TAC 106.228)</li> <li>▪ Feed Grinding Facilities (30 TAC 106.282)</li> <li>▪ Cotton Gin Stands (30 TAC 106.291)</li> <li>▪ Wax Melting and Application (30 TAC 106.312)</li> <li>▪ Bond Lining to Brake Shoes (30 TAC 106.413)</li> </ul> <p>Effective 09/03/2009.</p>	

## 2.11 Utah State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Utah.

## 2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA08282009-1	Water Permits	08/17/2009	<a href="#">25:25 Va.R. 4408</a>	Notice of Availability	<p>State Water Control Board 9 Virginia Administrative Code (VAC) 25-32</p> <p>The <a href="#">general instructions</a> and <a href="#">Forms A, B, and D</a> of the VPA Permit Application have been revised. Effective 04/2009.</p>	
VA08282009-2	Water Permits	08/17/2009	<a href="#">25:25 Va.R. 4408</a>	Notice of Availability	<p>State Water Control Board 9VAC25-740</p> <p>The <a href="#">Water Reclamation and Reuse Addendum</a>, for a VPA permit or a VPDES permit has been revised. Effective 06/2009.</p>	